

2009 DRAFTING REQUEST

Bill

Received: 11/11/2008

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Kathleen Vinehout (608) 266-8546

By/Representing: Joel Nilsestuen

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles
Transportation - traffic laws

Extra Copies: EVM

Submit via email: YES

Requester's email: Sen.Vinehout@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allowing operation of neighborhood electric vehicles on certain state trunk highways

Instructions:

Wants bill to allow NEVs to operate along STHs (within the highway right of way) within municipal limits where speed limit is posted at 35 mph or less; 349.26

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	agary 11/24/2008	bkraft 11/25/2008	phenry 11/25/2008	_____	cduerst 11/25/2008		S&L
/1	agary 03/10/2009	bkraft 03/11/2009	rschluet 03/11/2009	_____	mbarman 03/11/2009	cduerst 09/25/2009	

FE Sent For:

at
intro

<END>

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FE Sent For:

1 bjk 3/10

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/?	agary	/Pl bjk "/25	11/25 ph	11/26 ph/mw			

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

soon

LRB-0721/P1

ARG:.....

Lijk

in 11/24

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

SAV
X-refv

1 AN ACT ^{gen.}...; relating to: operation of neighborhood electric vehicles.✓

Analysis by the Legislative Reference Bureau

Under current law, a "neighborhood electric vehicle" (NEV) is a motor vehicle that is propelled by electric power and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality may, by ordinance, allow the use of NEVs on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, a municipal ordinance may not allow the use of NEVs on connecting highways within the municipality, or where the municipality's roadways cross state trunk highways, unless all of the following apply: 1) the municipality provides written notice to the Department of Transportation (DOT) of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the use of NEVs on the connecting highway or through the intersection crossing the state trunk highway. ✓

This bill expands municipal authority to allow operation of NEVs on, or within the right-of-way of, state trunk highways having a speed limit of 35 miles per hour ✓ or less and located within the territorial boundaries of the municipality.

For further information see the **state and local** fiscal estimate, which will be ✓ printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 349.26 (2) of the statutes is amended to read:

2 ~~349.26 (2) Subject to sub. (3), the~~ ^{Strike} ~~The governing body of any city, town, or~~
3 ~~village~~ ^{municipality} may by ordinance allow the use of a neighborhood electric vehicle on a
4 roadway that has a speed limit of 35 miles per hour or less and over which the ~~city,~~
5 ~~town, or village~~ ^{municipality} has jurisdiction.

History: 2005 a. 329; 2007 a. 33.

6 SECTION 2. 349.26 (3) of the statutes is repealed.

7 SECTION 3. 349.26 (4) of the statutes is created to read:

8 349.26 (4) The governing body of any ~~city, town, or village~~ ^{municipality} may by ordinance
9 allow the use of a neighborhood electric vehicle on, or within the right-of-way of, any
10 part of a state trunk highway that has a speed limit of 35 miles per hour or less and
11 that is located within the territorial boundaries of the ~~city, town, or village~~ ^{municipality}.

12 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0721/P1dn

ARG:.....

Lbjk

Date

ATTN: Joel Nilsestuen ✓

Please review the attached draft carefully to ensure that it is consistent with your intent.

DOT has previously opposed the unrestricted operation of NEVs on state trunk highways, even those having a speed limit of 35 mph or less.

DOT has also taken the position that operation of an NEV on a highway where operation is not authorized constitutes operation of an unregistered vehicle for which a citation may be issued. Do you want to add a provision in the bill that adopts and clarifies DOT's position or that otherwise specifically prohibits operation of NEVs where they are not authorized by municipal ordinance? ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0721/P1dn
ARG:bjk:ph

November 25, 2008

ATTN: Joel Nilsestuen

Please review the attached draft carefully to ensure that it is consistent with your intent.

DOT has previously opposed the unrestricted operation of NEVs on state trunk highways, even those having a speed limit of 35 mph or less.

DOT has also taken the position that operation of an NEV on a highway where operation is not authorized constitutes operation of an unregistered vehicle for which a citation may be issued. Do you want to add a provision in the bill that adopts and clarifies DOT's position or that otherwise specifically prohibits operation of NEVs where they are not authorized by municipal ordinance?

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Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

the w/ Joel ~~Sen.~~ - Vinehout

3/9/09

CRS-0721/PI

- NEVS

- 6-8546

- wants to allow NEV operation on any road w/in municipality w/ speed limit 35 mph or less - including CTHs
 - anything w/in municipal borders
 - this is the only change - make /1



State of Wisconsin
2009 - 2010 LEGISLATURE

(soon)

LRB-0721/1

ARG:bjk:ph

stays

RMR

in
3/10

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
x-ref

regen.

- 1 AN ACT *to repeal* 349.26 (3); *to amend* 349.26 (2); and *to create* 349.26 (4) of
2 the statutes; **relating to:** operation of neighborhood electric vehicles.

Analysis by the Legislative Reference Bureau

Under current law, a "neighborhood electric vehicle" (NEV) is a motor vehicle that is propelled by electric power and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality may, by ordinance, allow the use of NEVs on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, a municipal ordinance may not allow the use of NEVs on connecting highways within the municipality, or where the municipality's roadways cross state trunk highways, unless all of the following apply: 1) the municipality provides written notice to the Department of Transportation (DOT) of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the use of NEVs on the connecting highway or through the intersection crossing the state trunk highway.

* This bill expands municipal authority to allow operation of NEVs on ~~or within~~ the right-of-way of, state trunk highways having a speed limit of 35 miles per hour or less and located within the territorial boundaries of the municipality.

insert ANAL

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 349.26 (2) of the statutes is amended to read:

349.26 (2) ~~Subject to sub. (3), the~~ The governing body of any city, town, or village municipality may by ordinance allow the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35 miles per hour or less and over which the city, town, or village municipality has jurisdiction.

SECTION 2. 349.26 (3) of the statutes is repealed.

SECTION 3. 349.26 (4) of the statutes is created to read:

349.26 (4) ~~The governing body of any municipality may by ordinance allow the use of a neighborhood electric vehicle on, or within the right-of-way of, any part of a state trunk highway that has a speed limit of 35 miles per hour or less and that is located within the territorial boundaries of the municipality.~~

(END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0721/lins
ARG:.....

INSERT ANAL:

(no #) roadways within the municipality. Under the bill, a municipal ordinance may allow the use of NEVs on any roadway within the municipality that has a speed limit of 35 miles per hour or less, regardless of whether the municipality has jurisdiction over the roadway.

INSERT 2-1:

SECTION 1. 349.26 (2) of the statutes is renumbered 349.26 and amended to read:

349.26 Authority to allow the operation of neighborhood electric vehicles. Subject to sub. (3), the ~~The~~ governing body of any city, town, or village municipality may by ordinance allow the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35 miles per hour or less and ~~over which the city, town, or village~~ that is located within the territorial boundaries of the municipality, regardless of whether the municipality has jurisdiction over the roadway.

RUSH!

Duerst, Christina

From: Nilsestuen, Joel
Sent: Friday, September 25, 2009 1:53 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-0721/1 Topic: Allowing operation of neighborhood electric vehicles on certain state trunk highways

Please Jacket LRB 09-0721/1 for the SENATE.